

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
February 8-12, 1999

| Date Issued | Type of Case(1) | Proceeding or Appn. No. | Party or Parties | TTAB Panel(2) | Issue | TTAB Decision | Opposer's or Petitioner's Mark and Goods or Services | Applicant's or Respondent's Mark and Goods or Services | Mark and Goods Cited by Examining Attorney | Examining Attorney | Citable as Precedent of TTAB |
|-------------|-----------------|--|--|-------------------------------|---|---|--|--|--|--------------------|------------------------------|
| 2-8 | EX | 74/722,676 | Alaska Airlines, Inc. | Simms Chapman Bucher* | 2(e)(1) | Refusal Affirmed [although application will be forwarded for publication under Sec. 2(f)] | | "THE LAST GREAT AIRLINE" [air transportation services] | | Stine | No |
| 2-8 | EX | 74/703,747 | Packaged Ice, Inc. | Seeherman* Hanak (D) Hairston | whether the matter asserted for registration functions as a trademark to identify applicant's goods in commerce | Refusal Affirmed | | "PACKAGED ICE INC." (and design) [plastic bags for packaging] | | Reihner | Yes |
| 2-9 | EX | 74/722,331 | Heineken Brouwerijen, B.V. | Hohein Chapman Bucher* | 2(e)(2) | Refusal Affirmed | | "CAFÉ AMSTERDAM" [restaurant and bar services] | | Levy | No |
| 2-10 | EX EX EX | 75/066,354 75/066,356 75/066,363 | Northeast Express Transportation, Inc. | Cissel Chapman* Bucher | 2(d) | Refusal Affirmed (in all three cases) | | "NEXTCOURIER" and "NEXTDISTRIBUTION" [both marks for courier services for letters, packages, parcels by ground transport]; "NEXTAIR" [airfreight services] | | Martin | No |

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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| 2-10 | EX EX EX | 74/670,554 74/670,555 74/673,994 | Visual Communications Co., Inc. | Simms Wendel* Bucher | 2(e)(5) [de jure functionality]; whether applicant's claimed marks are distinctive and registrable under Sec. 2(f)] | Refusal Affirmed (in all three cases) | | three configurations of housings for mounting LEDs [housings for mounting LEDs] | | G. Clark | Yes |
| 2-12 | OPP | 94,301 | CPI FAB, Inc. and CONOPCO, Inc. v. SFS-Spirituosen GmbH | Hanak* Quinn Hairston | 2(d) | Opposition Sustained | "FABERGÉ" [cologne; fine china; fine crystal wine glasses, cordial glasses, and decanters; etc.] | "FABERGÉ" [spirits, liqueurs, and wine] | | | No |
| 2-12 | EX | 75/089,735 | Monograms America, Inc. | Seeherman Chapman Wendel* | whether the specimens of record demonstrate use of the mark in connection with the services recited in the application; 2(e)(2) | Refusal Affirmed (on both grounds) | | "MONOGRAMS AMERICA" [consultation services for owners of monogramming shops] | | Tingley | Yes |
| 2-12 | EX | 74/478,686 | Energy Absorption Systems, Inc. | Cissel Hairston* Walters | 2(e)(1) | Refusal Affirmed | | "CUSHIONWALL" [vehicle crash barriers made primarily of rubber] | | F. Smith | No |

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| 2-12 | EX | 74/410,829 | Hartford Life Insurance Co. | Seeherman Hohein* Walters | 2(d) | Refusal Affirmed | | "CHOICE BENEFIT PLAN" [life insurance underwriting services] | "CHOICE OPTION" [group insurance underwriting services in the field of health and accident insurance and attendant group life insurance services] | Zak | No |
| 2-12 | EX | 74/729,974 | Polo International Inc. | Hohein Chapman* Wendel | 2(e)(1) | Refusal Affirmed | | "DOC-CONTROL" [computer software, namely, document management software] | | Mermelstein | No |
| 2-12 | OPP | 96,391 | Osage Footwear, Inc. v. Jivago, Inc. | Seeherman Quinn Hairston* | 2(d) | Opposition Dismissed | design mark consisting of two stylized letter "J"s [shoes]; "JUMPING-JACKS" (and design consisting of two stylized letter "J"s) [footwear]; design mark consisting of a jack-in-the-box and two stylized letter "J"s [shoes]; "J.J. SPORT" (and design) [shoes, pants, shorts, shirts, and socks]; design mark consisting of a pair of parallel wavy lines applied to the sides of applicant's shoes [shoes] | design mark consisting of two highly stylized "J"s, overlapping, with one "J" facing backward [clothing, namely, active wear, sports wear, fashion wear and belts] | | | No |

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